

STATE OF NEW YORK

11068

IN ASSEMBLY

October 7, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Barclay, Giglio, Palmesano) -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to the state board of parole membership, interviews with inmates, and determination of parole

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 6 of section 259-b of the executive law, as
2 amended by section 38-a of subpart A of part C of chapter 62 of the laws
3 of 2011, is amended to read as follows:

4 6. Any member of the board may be removed by the governor [~~for cause~~
5 ~~after an opportunity to be heard~~] or by a majority vote in the senate
6 and the assembly.

7 § 2. Subparagraph (i) of paragraph (a) of subdivision 2 of section
8 259-i of the executive law, as amended by section 38-f-1 of subpart A of
9 part C of chapter 62 of the laws of 2011, is amended to read as follows:

10 (i) Except as provided in subparagraph (ii) of this paragraph, at
11 least one month prior to the date on which an inmate may be paroled
12 pursuant to subdivision one of section 70.40 of the penal law, a [~~member~~
13 ~~e*~~] minimum of three or more members as determined by the rules of the
14 board shall personally interview such inmate and determine whether he or
15 she should be paroled in accordance with the guidelines adopted pursuant
16 to subdivision four of section two hundred fifty-nine-c of this article.
17 Such determination to parole such inmate shall be unanimous by agreement
18 of the board. If parole is not granted upon such review, the inmate
19 shall be informed in writing within two weeks of such appearance of the
20 factors and reasons for such denial of parole. Such reasons shall be
21 given in detail and not in conclusory terms. The board shall specify a
22 date not more than twenty-four months from such determination for recon-
23 sideration, and the procedures to be followed upon reconsideration shall
24 be the same. If the inmate is released, he or she shall be given a copy
25 of the conditions of parole. Such conditions shall where appropriate,
26 include a requirement that the parolee comply with any restitution

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 order, mandatory surcharge, sex offender registration fee and DNA data-
2 bank fee previously imposed by a court of competent jurisdiction that
3 applies to the parolee. The conditions shall indicate which restitution
4 collection agency established under subdivision eight of section 420.10
5 of the criminal procedure law, shall be responsible for collection of
6 restitution, mandatory surcharge, sex offender registration fees and DNA
7 databank fees as provided for in section 60.35 of the penal law and
8 section eighteen hundred nine of the vehicle and traffic law.

9 § 3. Paragraph (a) of subdivision 2 of section 259-i of the executive
10 law, as amended by section 38-f-2 of subpart A of part C of chapter 62
11 of the laws of 2011, is amended to read as follows:

12 (a) At least one month prior to the expiration of the minimum period
13 or periods of imprisonment fixed by the court or board, a [~~member or~~
14 minimum of three or more members as determined by the rules of the board
15 shall personally interview an inmate serving an indeterminate sentence
16 and determine whether he or she should be paroled at the expiration of
17 the minimum period or periods in accordance with the procedures adopted
18 pursuant to subdivision four of section two hundred fifty-nine-c of this
19 article. Such determination to parole such inmate shall be unanimous by
20 agreement of the board. If parole is not granted upon such review, the
21 inmate shall be informed in writing within two weeks of such appearance
22 of the factors and reasons for such denial of parole. Such reasons shall
23 be given in detail and not in conclusory terms. The board shall specify
24 a date not more than twenty-four months from such determination for
25 reconsideration, and the procedures to be followed upon reconsideration
26 shall be the same. If the inmate is released, he or she shall be given a
27 copy of the conditions of parole. Such conditions shall where appropri-
28 ate, include a requirement that the parolee comply with any restitution
29 order and mandatory surcharge previously imposed by a court of competent
30 jurisdiction that applies to the parolee. The conditions shall indicate
31 which restitution collection agency established under subdivision eight
32 of section 420.10 of the criminal procedure law, shall be responsible
33 for collection of restitution and mandatory surcharge as provided for in
34 section 60.35 of the penal law and section eighteen hundred nine of the
35 vehicle and traffic law.

36 § 4. This act shall take effect immediately, provided that the amend-
37 ments to paragraph (a) of subdivision 2 of section 259-i of the execu-
38 tive law made by section two of this act shall be subject to the expira-
39 tion and reversion of such paragraph pursuant to subdivision d of
40 section 74 of chapter 3 of the laws of 1995, as amended, when upon such
41 date the provisions of section three of this act shall take effect.